

Remarks

Claims 1 and 3-18 are pending in the present application. In an Office Action dated November 23, 2007 (hereforth "Office Action"), Applicant's claims 1, 4-8, and 10-17 stand rejected under 35 U.S.C. §103(a) as being obvious over Hayes, Bob, *Measuring Customer Satisfaction: Survey Design, Use and Statistical Analysis* (1998) (hereforth "Hayes") in view of U.S. Patent No. 6,807,518 to Lang (hereforth "Lang"). Applicant's claim 3 stands rejected under 35 U.S.C. §103(a) as being obvious over Hayes in view of Lang and further in view of Gustafsson *et al.*, "Measuring and managing the satisfaction-loyalty-performance links at Volvo" (2002) (hereforth "Gustafsson"). Applicant's claims 9 and 18 stand rejected under 35 U.S.C. §103(a) as being obvious over Hayes in view of Lang and further in view of U.S. Patent Publication No. 2003/0212691 to Kuntala *et al.* (hereforth "Kuntala").

In each rejection, Lang is relied upon as a reference. The Examiner states on page 3 of the Office Action that Lang constitutes prior art only under 35 U.S.C. §102(e). Applicant respectfully submits that **the present application and Lang were, at the time the invention of the present application was made, owned by FORD MOTOR COMPANY**. Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. §103(c). Accordingly, Lang is disqualified under 35 U.S.C. §103(c) as prior art in each rejection.

Lang is relied upon to teach at least one limitation from each of Applicant's independent claims, claims 1, 10, and 12 (Office Action, pg. 5; *Id.*, at pg. 9). Therefore, no combination of Hayes, Gustafsson, and Kuntala teaches or suggests each and every limitation of Applicant's independent claims. Hence, each of Applicant's independent claims are patentable under 35 U.S.C. §103(a) over any combination of Hayes, Gustafsson, and Kuntala. MPEP 2142.

Each of Applicant's dependent claims are patentable because each depends from proper independent claims 1, 10, or 12. MPEP 2143.03.

Conclusion

Applicant has made a genuine effort to respond to the Examiner's rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. By this paper, authorization is granted to charge any additional fees or credit any overpayments to Deposit Account No. 06-1510. The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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